**IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL**

**Criminal Revision No. 668/2001**
**(Old No. 372 of 1985)**

Chander Kant ……Revisionist

Versus.

State of U.P. …….Respondent

**Hon'ble Irshad Hussain, J.**

None appear for the revisionist. Heard Sri H.C.Pandey learned A.G.A. and perused the record.

This is a revision under Section 397 & 401 of the Code of Criminal Procedure against the judgment and order dated 21.11.1984 passed by the Additional Sessions Judge, Nainital in criminal appeal no.212/1983.

The revisionist was convicted and sentenced under Section 60(2) of the Excise Act by the learned Magistrate concerned and on a appeal being filed against the judgment dated 9.9.1983 the learned Sessions Judge was of the view that the contraband was required to be sent for chemical examination so that the merit of the case of the prosecution may be considered in proper perspective. Considering the necessity to have the sample of the contraband analysed by the chemical examiner, the order of remand of the case was fully justified. Thus, there being no illegality or impropriety in the impugned judgment and order of the appellate court, the revision is devoid of merit and is herby dismissed.

The learned Magistrate shall proceed accordingly in criminal case no. 2630/1980 and 2631/1980 under Section 60(2) of the Excise Act.

**(Irshad Hussain, J.)**

Dated 24.03.2004

Rawat